

SEPTEMBER 22, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, September 22, 1998, at 9:05 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
 Gwendolyn Y. Brown, First Vice-Chairman
 Joe McClash, Second Vice-Chairman
 Jonathan Bruce, Third Vice-Chairman
 Stan Stephens
 Lari Ann Harris
 Amy Stein

Also present were:

Ernie Padgett, County Administrator
 Teddy N. Williams, Jr., County Attorney
 Susan G. Romine, Board Records Supervisor,
 representing R. B. Shore, Clerk of Circuit Court

Invocation by Reverend John R. Brabham, Christ United Methodist Church.

All witnesses and staff giving testimony were duly sworn.

AGENDA CHANGES

Carol Clarke, Planning Director, announced that Z-98-09 ANITA C. HOWZE REVOCABLE TRUST had been **withdrawn**.

CONSENT AGENDA

Upon motion by Mr. Bruce and second by Mr. McClash, the Consent Agenda for September 22, 1998, was approved 7 to 0, with the deletion of Sole Source Pager Rental (separate action). Items APPROVED:

ZONING

Public hearing (Notice in Bradenton Herald 9/11/98) was opened to consider

PDR-98-12 (Z) - ARRASMITH/FIFTY-EIGHT INC.

(CONTINUED TO 10/27/98 AT 9:00 A.M.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDR, PROVIDING AN EFFECTIVE DATE; FOR 8 EXISTING LOTS, RANGING IN SIZE FROM 2.89 TO 6.72 UPLAND ACRES, AT A GROSS DENSITY OF 0.17 DU/ACRE; ON 55.11 ACRES LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 675 (RUTLAND ROAD) AND THE WEST SIDE OF NORTH RYE ROAD, 3 MILES EAST OF PARRISH.

Public hearing (Notice in Bradenton Herald 9/11/98) was held to consider

Z-98-10 - GEORGE SMITH

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSF-6 TO PR-M; PROVIDING AN EFFECTIVE DATE; ON .48 ACRE LOCATED ON THE SOUTH SIDE OF 53RD AVENUE WEST, EAST OF U.S. 41, AND WEST OF 1ST STREET EAST (216 53RD AVENUE WEST).

RECORD S46-1130

CLERK'S CONSENT CALENDARBONDS:Accept:Creekwood, Phase II, Subphase F

Agreement with Wilma-Creekwood (West) Joint Venture, guaranteeing completion of required sidewalks and bikeways, \$18,200.

River Club South, Subphase II

1. Performance Bond: \$26,637.00 (Amended Letter of Credit S95-31(R), Republic Bank).
2. Defect Security: \$210,567.67 (Amended Letter of Credit S96-12, Republic Bank).

Wal-Mart Store (State Road 70 and U.S. 301)

Defect Security: \$17,715.53 (Amended Letter of Credit 920807, NationsBank).

Release:

Creekwood, Phase II, Subphase F

Agreement with Wilma-Creekwood (West) Joint Venture guaranteeing completion of required sidewalks and bikeways, \$18,200.

Summerfield Village, Upper Manatee River Road

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$44,933.77.
2. Defect Security: \$44,933.77 (Surety Bond 30663728, Fidelity and Deposit Company of Maryland).

Summerfield Village, Subphase A, Unit 1, Tract 302 and Subphase B, Unit 1, Tracts 320 and 321

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$13,259.60.
2. Defect Security: \$13,259.60 (Surety Bond 30683774, Fidelity and Deposit Company of Maryland).

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Project 3010/5148

Corrective Document - Agreement for the Delivery and Use of Reclaimed Irrigation Water with Mount Vernon Condominium Association, Inc., through 11/30/03 (approved 7/28/98). RECORD S46-1131

ACCEPT

Lakewood Ranch Community Development Districts 1, 2, 3 -

Minutes of Board of Supervisors Meeting July 2, 1998.

Records Destruction Request - Bureau of Archives and Records Management Form Listing County Records for destruction:

No. 397, Human Resources

Manatee County Mosquito Control District - Resolution setting meeting dates for Fiscal Year 1998-99

COUNTY ADMINISTRATOR

HEARING OFFICER AGREEMENT

Execute the Extension of Agreement for James A. Paulmann to serve as Manatee County Hearing Officer for a one-year term ending October 11, 1999. RECORD S46-1132

FINAL PLATS

Summerfield Village, Subphase C, Unit 3

1. Final Plat.
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Northern Trust Bank of Florida, N.A.
3. Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from Lakewood Ranch Community Development District 1.
4. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, \$12,675.
5. Performance Bond: \$12,675 (Surety Bond 123405, Frontier Insurance Company).
6. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$225,943.81.
7. Performance Bond: \$225,943.81 (Surety Bond 123404, Frontier Insurance Company).
8. Agreement with Lakewood Ranch Community Development District 1 for Maintenance of Right-of-Way Islands. RECORD S46-1133
9. Agreement with SMR Communities Joint Venture for Installation of Private Improvements in Subdivisions, Subsequent to Final Subdivision Plat Approval. RECORD S46-1134
10. Site Access and Drainage Affidavit Right-of-Way Irrigation and Utilization with Schroeder-Manatee Ranch, Inc., Lakewood Ranch Community Development District 1, and Summerfield Village Association, Inc.
11. Supplemental Declaration by SMR Communities Joint Venture.

Lakewood Ranch Town Center, Phase I, Roadways

1. Final Plat.
2. Mortgagee's Joinder In and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from Northern Trust Bank of Florida, N.A.
3. Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Community Development District 3.
4. Agreement with SMR Communities Joint Venture warranting required improvements, \$134,117.38.

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5. Defect Security: \$134,117.38 (Surety Bond 121705, Frontier Insurance Company).
6. Agreement with SMR Communities Joint Venture guaranteeing performance of a wetland mitigation system, \$19,412.
7. Performance Bond: \$19,412 (Surety Bond 121723, Frontier Insurance Company).

STREET NUMBERING WAIVERS**The Preserves at Panther Ridge**

Request by the developers of The Preserves at Panther Ridge to utilize named streets within the development.

Sabal Harbour

Request by the developers of Sabal Harbour to utilize named streets within the development.

MANATEE GLENS

1. Execute Fiscal Year 1998-99 funding agreement with Manatee Glens Corporation for **Adult Baker Act Crisis Stabilization** (\$429,818); **Rape Crisis Intervention** (\$82,327); and **Substance Abuse Detoxification Services** (\$197,716); for a total of \$709,861. RECORD S46-1135
2. Execute Fiscal Year 1998-99 funding agreement with Manatee Glens Corporation for **Children's Residential/OutPatient Substance Abuse Services**, \$652,627. RECORD S46-1136
3. Execute Amendment 1 to Fiscal Year 1997-98 funding agreements with Manatee Glens Corporation amending: (1) **Rape Crisis Services** from \$70,327 to \$82,327; and (2) **Mental Health Transport Services Agreement** from \$15,000 to \$3,000. RECORD S46-1137+
4. Execute Addendum 5 to Lease Agreement with Manatee Glens Corporation for lease renewal at 1819 5th Street West, Bradenton; 10/1/98-9/30/99. RECORD S46-1139

TRANSIT MARKETING PLAN

Accept the Transit Marketing Plan for Fiscal Year 1998-99.

RECORD S46-1140

SETTLEMENT OFFER - JON M. BREW

Reject \$100,000 settlement offer of Jon McKenzie Brew, claimant.

CFI MANUFACTURING, INC.

R-98-242 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF MANATEE COUNTY, FLORIDA, INDUSTRIAL DEVELOPMENT REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1998A (CFI MANUFACTURING, INC. PROJECT) AND NOT EXCEEDING \$2,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF MANATEE COUNTY, FLORIDA INDUSTRIAL DEVELOPMENT REVENUE IMPROVEMENT BONDS, SERIES 1998B (TAXABLE) (CFI MANUFACTURING, INC. PROJECT) (COLLECTIVELY, THE "BONDS") FOR THE PURPOSE OF CURRENTLY REFUNDING ALL OF THE COUNTY'S INDUSTRIAL DEVELOPMENT REVENUE REFUNDING BONDS, SERIES 1996B (CFI MANUFACTURING, INC., PROJECT), TO REPAY AND/OR REFINANCE OTHER DEBT OBLIGATIONS OF CFI MANUFACTURING, INC. (THE "BORROWER") AND TO FINANCE THE ACQUISITION, CONSTRUCTION, RENOVATION AND EQUIPPING OF AN EXISTING BUILDING OWNED BY THE BORROWER; PROVIDING FOR CERTAIN DETAILS OF THE BONDS; APPOINTING THE HUNTINGTON NATIONAL BANK AS PLACEMENT AGENT AND HUNTINGTON CAPITAL CORP. AS REMARKETING AGENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A BOND PLACEMENT AGREEMENT TO EFFECT THE SALE OF THE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE COUNTY AND THE BORROWER; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST WITH SUNTRUST BANK, CENTRAL FLORIDA, NATIONAL ASSOCIATION, AS TRUSTEE; APPROVING THE FORMS OF PRIVATE PLACEMENT MEMORANDA WITH RESPECT TO THE SALE OF THE BONDS; APPROVING THE FORM OF FIRST MORTGAGE, ASSIGNMENT OF LEASES AND RENTS AND SECURITY AGREEMENT, AND A FIRST COMMERCIAL SECURITY AGREEMENT; APPROVING THE FORM OF LETTER OF CREDIT; APPOINTING THE TRUSTEE; TENDER AGENT, PAYING AGENT AND REGISTRAR; AUTHORIZING THE REGISTRATION OF THE BONDS UNDER A BOOK-ENTRY ONLY SYSTEM; AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.

RECORD S46-1141

BUDGET AMENDMENT

Various Departments (B-98-067)

Transfer of Funds; Unanticipated Revenue Appropriations
(Supporting Description and Detail Attached) RECORD S46-1142

GROUP MEDICAL PLAN RATE ADJUSTMENT

Authorize adjustment to the Employer's share for the Freedom of Choice Healthy Habits Medical Plan, to be charged as a one-time supplemental charge on the last payroll period of Fiscal Year 1997-98 (\$90 per employee).

LONGBOAT KEY BEACH FUNDING AGREEMENT

Execute Beach Project Funding Agreement for Fiscal Years 1997-98 through 2007-08 with The Town of Longboat Key. RECORD S46-1143

EMERGENCY MEDICAL SERVICES GRANT

R-98-246 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA; AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF A GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF HEALTH, BUREAU OF EMERGENCY MEDICAL SERVICES AND CERTIFYING THAT THE AWARD PROGRAM WILL IMPROVE AND EXPAND THE COUNTY'S EXISTING PREHOSPITAL EMERGENCY MEDICAL SERVICES SYSTEM (Execute FY 1998-99 grant application, \$29,453.70; Fire Districts \$8,866; Total Grant \$38,319.70). RECORD S46-1144

STREET VACATION - ORANGE LEE SUBDIVISION

R-98-188-V RESOLUTION DECLARING A PUBLIC HEARING ON October 27, 1998, AT 9:00 A.M. OR AS SOON THEREAFTER AS POSSIBLE ON APPLICATION BY RAYMOND F. SKINNER, LTD, AND MADER ELECTRIC, INC. TO VACATE A PORTION OF A RIGHT-OF-WAY IN ORANGE LEE SUBDIVISION. RECORD S46-1145

UNITED WAY OF MANATEE COUNTY

Execute letter to the United Way of Manatee County, Inc., in support of its Success by Six Community Program.

(End Consent Agenda)

AWARDS/PROCLAMATIONS

Southwest Florida Water Management District

Charles Hunsicker, Planning Department, and Ernie Padgett, County Administrator, submitted Resolution

R-98-245 RECOGNIZING THE **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT** (SWFWMD) FOR ACTIONS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES IN MANATEE COUNTY (for acquiring 5,931 acres formerly known as the Rutland Tract through the Save Our Rivers Program).

E. D. "Sonny" Vergara, representing SWFWMD and the Manasota Basin Board, and Steve Minnix, SWFWMD Government Liaison, were present.

Motion was made by Mr. Stephens, seconded by Mr. McClash and carried unanimously, to adopt R-98-245. RECORD S46-1146

United Way Kick-Off Day

Upon motion by Mr. McClash and second by Mrs. Harris, a Proclamation designating September 22, 1998, as **County Government Kick-Off Day for United Way** for the 1998-99 Campaign was adopted unanimously.

RECORD S46-1147

Dr. Brian Murphy, President of United Way, accepted the Proclamation.

(Depart Mr. Bruce, Mr. McClash, Mrs. Stein)

Domestic Violence Awareness

Upon motion by Ms. Brown and second by Mr. Stephens, a Proclamation designating October 1998, as **Domestic Violence Awareness Month** was adopted 4 to 0.

RECORD S46-1148

Laura Lynch, Hope Family Services, Inc., accepted the Proclamation.

(Enter Mr. Bruce and Mr. McClash)

PAGER RENTAL

Mrs. Harris questioned the sole source purchase of alpha-numeric paging services from Pagenet, Inc., estimated annual cost of \$58,695.

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(Continued)

Discussion: Time sensitivity of request; request extension from Pagenet for status quo operation; explore other providers and rates; availability of employee paid services; Public Safety input needed; address services for next year's contract; do not compromise effectiveness of current communication system; include item on September 24, 1998, agenda.

Disposition: Schedule a work session.
(Enter Mrs. Stein during discussion)

ZONING

Public hearing (Notice in the Bradenton Herald 8/14/98) was held to consider

PDR-98-10(Z)(P) GCI INVESTMENTS, INC./THE FAIRWAYS AT IMPERIAL LAKEWOODS

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PDC, A-1, AND RSF-4.5 TO PDR; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 308 SINGLE-FAMILY DETACHED UNITS, 50 SINGLE-FAMILY ATTACHED UNITS, AND REDESIGN OF AN EXISTING GOLF COURSE; GRANTING SPECIAL APPROVAL FOR (1) A PROJECT LOCATED IN THE ENTRANCEWAY, AND (2) A PROJECT ADJACENT TO A PERENNIAL STREAM; ON 413.32 ACRES LOCATED ON THE SOUTH AND EAST SIDES OF BUFFALO ROAD, SOUTHEAST OF THE I-75/MOCCASIN WALLOW ROAD INTERCHANGE.

Planning Commission recommended APPROVAL with 19 Stipulations;^{s46-1149}
RECORD

GRANTING Specific Approval of alternatives to Sections 710.1.5.1.1, 712.3, and 702.3 of the Land Development Code (LDC).

Norm Luppino, Planning Department, referred to a site plan and discussed the surrounding land uses and reviewed the stipulations to address staff concerns. Referring to a detailed plan of the single-family attached subphase, he noted the existing golf course is a recreational facility and pointed out the proposed pool location. He submitted three letters in opposition due to traffic issues.

Discussion: Mitigating factors regarding setback; attached buildings reduced from nine to five units in a row; traffic; deferred traffic study; letter from North River Fire District requesting connection to Fish Farm Road; number of access points; flooding; compatibility of attached buildings; LDC requires two means of access for over 100 units; interneighborhood tie; boulevard entrance; cut and fill; density of surrounding developments; zoning disclosures, etc.

Jerome Gostkowski, Planning Department, referred to a zoning map, and advised Fish Farm Road is within a flood plain, therefore, continuing the road across Buffalo Canal would be prohibitive. He explained the requirements of the applicant: (1) reduce the discharge rate by 50 per cent; (2) there must be balanced cut and fill above the seasonal high water table within 25-year floodplain; and (3) there must be balanced cut and fill within the 100-year floodplain. He noted that as part of a Comprehensive Plan amendment, it will be recommended to relocate Fish Farm Road (on the thoroughfare plan) to 69th Avenue East.

Discussion: Postdevelopment discharge rate; canal location; maintenance easements; location of single-family, 50-foot-wide lots; attached single-family overflow parking; sidewalks along entire frontage; commercial center sidewalks; recreational areas; etc.

The public hearing was continued until later in meeting.

Recess/Reconvene. All members present except Mr. McClash and Mr. Bruce.

TRANSIT DEVELOPMENT PLAN

Frederick Loveland, Community Services Department, introduced representatives of the University of South Florida, Center for Urban Transportation Research (CUTR).

Dennis Heinbaugh, CUTR, presented a Transit Development Plan (TDP) stating it is a five-year capital and operating plan (FY 1999-2003). He explained the TDP and referred to charts in a handout. He reviewed recommendations and addressed funding sources.

(Enter Mr. McClash and Mr. Bruce during presentation)

Discussion: Local funding; more discussion and review is required; maintenance of computer system; cost benefit analysis; Table 3 is not in priority order; projection and identification of funding sources; park-n-ride success; adopt at a later time; changes in routes, etc.

Chris Deannutis, CUTR, presented the Comprehensive Operational Analysis, including the background and detail collected. Referring to the handout and maps, he reviewed examples of the existing bus route service and recommended alternatives.

Disposition: Staff to bring the issue forward after a work session.

PDR-98-10(Z)(P) THE FAIRWAYS AT IMPERIAL LAKEWOODS (Continued)

Caleb Grimes, representing Imperial Partners, Ltd., reviewed the history of the project, referring to a rendering, which included the approved commercial area, as well as Imperial Lakes Estates and Regency Oaks. He noted 71st Avenue East and 69th Avenue East were designed to continue through the development; however, a wetland prohibits connection to 71st Avenue East. He referred to a unified site plan and discussed the various existing zoning and explained the reasons for requesting the PDR zoning.

Darenda Marvin, also representing Imperial Partners, Ltd., referred to the site plan and stated a majority of the lots will have a view of the golf course, lake, or wetland. She referred to the access at Empress Lane stating it is a 25-foot stabilized area, which can be opened as a street. She discussed the surrounding land uses and the transitioning from the interstate. She explained a redesign is planned for one area, which will increase lot sizes from 50 to 55 feet and decrease density.

Mr. Grimes discussed the density (.86 du/acre) and transition. He stated the plans include Empress Lane as a stabilized roadway for emergency access and requested deletion of Stipulation 1. He referred to a rendering of the proposed boulevard entrance. He referred to an architectural rendering for the townhouse area, noting it did not depict the proposed 1.5 car garage.

Discussion: Not an age restricted community; recreation area; golf course community; townhouse area mass has been reconfigured; compatibility; boulevard option; tie to Imperial Lakes, etc.

Warren Foley, representing the Board of Regency Oaks, spoke in opposition, due to traffic, safety, compatibility, density, lack of sidewalks, and requested a knock-down gate (frangible barrier).

Richard Prairie and **George Trimmer**, residents of Imperial Lakes Estate, spoke in support of the development. **Augie Cueto**, owner of Imperial Lakewoods Golf Club, voiced his support for the project.

Gary McDonagh, resident of 69th Avenue East, stated he was opposed to the connecting of the neighborhood by a road. **Lynne Davis**, resident of Regency Oaks, stated she was not opposed to the development, but increased traffic is a concern and a knock-down gate is the preference of Regency Oaks homeowners.

Recess/Reconvene. All members present except Ms. Brown.

Michael Healy, resident of Regency Oaks, stated he was in support of the project only if traffic issues are addressed by stipulations. He submitted seven photographs of the entrance to Regency Oaks, as well as a video of the traffic route through Regency Oaks.

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(Continued)

Audrey Keisacker, Chairman of Board of Buffalo Canal Neighbors, addressed the history of area flooding from 1975 to date. She submitted a handout containing Rainfall Event Magnitude Determination, Rainfall Reports, North Regional Treatment Plant Discharge Reports, FEMA 100-Year Flood Plain and 25-Year Flood Plain. She spoke in opposition to this project and any development in the basin until a solution has been achieved to address the flooding.

Bill Elder and **Gary Gabler** spoke in favor of the project but voiced concern for traffic problems.

(Enter Ms. Brown)

Brian Branton, and **Doris Carter**, spoke in opposition voicing concerns of traffic, safety for children, density and flooding.

Mr. Luppino submitted the petition from Regency Oaks homeowners, and Stipulations 20 through 27, with a revised motion. RECORD 846-1150

Discussion: Retain Stipulation 1 for second means of access; LDC 508.5.1.2 Factors for Reviewing Proposed General Development Plans, Subsection 3; LDC 712; consensus of BCC regarding Stipulation 24.

Mr. Gostkowski advised the stormwater management strategy for the Buffalo Canal basin is enhancement to the canal and increased maintenance. He stated a stipulation could be added as to the cost of a future traffic light when need warrants.

In rebuttal, Mr. Grimes addressed traffic and access for the neighbors to the east. He stated there is no objection to limiting the access to emergency vehicles, and therefore requested deletion or modification to Stipulation 1.

Discussion: School Board letter; Palmetto High School expansion; lot sizes; modification of Stipulation 1; Stipulation 27 replaces Stipulation 8 and is changed to read **50 percent reduction**; Stipulation 20 replaces 2 (with 21-27 renumbered); golf cart crossings within development; traffic calming; entire site is used for density classification; clarification of Stipulation 24, etc.

Following discussion, Ms. Clarke read a new Stipulation and a modification to Stipulation 24:

26. The main roadway shall be designed using traffic calming techniques.
24. The interneighborhood tie and required second means of access to Regency Oaks (at 69th Avenue East) shall be provided but limited to emergency service providers, pedestrian, bicycle, and golf cart access only. This interneighborhood tie may only be opened in the future as determined by the BOCC at an advertised public hearing prior to acceptance of the roads.

Mrs. Glass requested a future discussion on interneighborhood ties and a review of multifamily uses and zoning.

Mark Barnebey, Chief Assistant County Attorney, restated Stipulations 1 and 26 as follows:

1. The connection to Empress Lane shall be as provided on the site plan with the assurance that access will be available for golf carts, bicycles and pedestrians.
26. The main roadway shall be designed using passive traffic calming techniques.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Stephens moved to adopt Manatee County Zoning Ordinance **PDR-98-10(Z)(P)**; and approve the Preliminary Site Plan with Stipulation 1 (as revised); 2 (as revised); 3-7 (as in staff report);

8 (as revised); 9-19 (as in staff report); 20-22 (as added today); 23 (as added and revised); 24-26 (as added); grant Special Approval for (1) a project located in the Entranceway, and (2) a project adjacent to a Perennial Stream; adopt the Findings for Specific Approval and grant Specific Approval of alternatives to Sections 710.1.5.1.1, 712.2.8, 712.3, 702.3, and 907.9.1.3 of the Land Development Code. The motion was seconded by Mrs. Harris.

Following discussion, it was the consensus of the Board to revise Stipulation 20 as follows:

- 20. The design of the project entrance shall be in **general** conformance with the artist's rendering entered into the record at the September 22, 1998, public hearing for this case.

The motion carried 6 to 1, with Mrs. Stein voting nay. RECORD 546-1151

Public hearing (Notice in the Bradenton Herald 8/14/98) was opened to consider

PDR/PDC-98-06(Z) (G) CHEROKEE CREEK, INC.

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDR AND PDC; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 301 SINGLE-FAMILY DWELLING UNITS AT A DENSITY OF .32 DWELLING UNITS PER ACRE, AND 30,000 SQUARE FEET OF COMMERCIAL WITH A PROPOSED FLOOR AREA RATIO OF .1, ON 944.55 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF RYE ROAD AND STATE ROAD 675.

Planning Commission recommend DENIAL.

Erika Barrett, Planning Department, referring to an aerial map, discussed the surrounding agricultural land uses. Referring to a color-coded board, she noted the project is proposing 178 one-acre lots, 94 two-acre lots, and 29 five-acre lots, to be built in three phases with a density of .32 du/per acre. She pointed out the location of the 30,000 square feet of proposed commercial on a 6.9-acre site. She stated four new access points are proposed and one interneighborhood tie to the east. She displayed a board showing the lot splits occurring in the area, as well as a graphic showing the construction of single-family homes in the area since 1970. Reviewing a map, she pointed out that part of the site falls outside the Future Development Area Boundary (FDAB). She noted while the site is served by county water, there is no county sewer. She cited several policies from the Comprehensive Plan used for evaluation of the proposal.

(Depart Mr. McClash)

Ms. Barrett indicated the timing of this request is inappropriate and is encouraging urban sprawl. She discussed the surrounding agricultural operations which create compatibility concerns due to spray pesticides, fugitive particulate, noise, runoff, and unpleasant odors. She submitted a letter in opposition from **Karen Ciemiecki**. She recommended denial of the request.

Discussion: Adjacent agricultural operations; spray requirements; draft stipulations not included in package; policy decision regarding urban sprawl; timing issue; FDAB line; market driven request; recommendation for denial is based on standard planning practice, etc.

Hugh McGuire, representing the applicant, discussed the site, location and the market. He noted the activities and new construction he observed on a recent trip to the site and stated development in the area should be controlled.

Betsy Benac, representing the applicant, referred to a proposed site plan and pointed out the limited driveways off of State Road 675 and the increased buffers. Referring to a current map, she noted 80 lot splits since 1966 in the area and referred to same as urban sprawl or uncontrolled development. Referring to a graphic of the FDAB, she noted the FDAB line runs one-half mile east of the development and referred to surrounding development with smaller lots.

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Linda Tucker, representing residents of Shady Creek Ranch, spoke in opposition, expressing her concerns regarding flooding; timing should include future flood plans; farm traffic impacting the surrounding area; compatibility; and lack of services required by development.

James Higginbotham, resident of Golf Course Road, spoke in support of the proposed site plan and noted surrounding development and land use.

Discussion: Development in east county; no sewer available; water is available; tracking growth pattern in the county; commercial development will occur at market demand; should density be increased; timing; compatibility; more control with PDR; flood basin; fire/EMS services, etc.

(Mrs. Harris absent during portion of discussion)

Discussion: Five-acre lot splits considered agricultural; planning for commercial development is appropriate; suburban development expectations; change in area character, etc.

In rebuttal, Mr. McGuire noted an approved A-1 zoning request (located two minutes away by car) from this project that did not generate the negative aspects being discussed. He advised there is adequate capacity at Palmetto High School and noted a new fire station was planned for Parrish.

Ms. Benac submitted a copy of school capacity figures. Regarding flooding, she indicated flooding at Rye Road was due to the opening of the dam and this property is not in the floodway of Lake Manatee.

Discussion: Density of Country Creek is 1.8 du/acre; active agriculture uses; recreation services; emergency services; school transportation; libraries; this will change what is now considered rural; higher levels of service expected, etc.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be inconsistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mrs. Stein moved to deny Manatee County Zoning Ordinance **PDR/PDC-98-06 (Z) (G)**, as recommended by the Planning Commission. Motion was seconded by Mr. Bruce. Motion **failed** with Mr. Stephens, Mrs. Glass and Mrs. Harris voting nay.

Mr. Barnebey advised that based on the rules, status quo remains, and the project would be denied unless another motion comes forward.

Motion was made by Mr. Stephens to continue the public hearing until the full Board is available (4:30 p.m. or as soon thereafter as may be heard on September 24, 1998). Motion was seconded by Mrs. Harris and carried 4 to 2, with Mr. Bruce and Mrs. Stein voting nay.

(Depart Mrs. Stein)

Public hearing (Notice in the Bradenton Herald 9/11/98) was opened to consider

PDC-87-01(P) (R-2) HEARTLAND SARASOTA-BRADENTON LTD, PARTNERSHIP

Request: Amend stipulations of the approval document for Preliminary Site Plan PDC-87-01(P)(R). Stipulations include 1 and 3, which address the buffer along the southern property line; 25 and 26, which addresses use and intensity of Out Parcels 1 and 2; 27, which addresses the location of any future grocery store on site; and the addition of 28, which incorporates the approved Design Guidelines and other conditions of the May 5, 1998, Settlement Agreement, on 28.34 acres located on the south side of State Road 70, 1/2 mile east of I-75.

Motion was made by Mrs. Harris, seconded by Mr. Bruce, and carried 5 to 0, to continue **PDC-87-01(P) (R-2)** to October 6, 1998, 9:00 a.m. or as soon thereafter as may be heard.

Public hearings (Notices in the Bradenton Herald 9/4/98) were held to consider

PDR/PDC-96-03 (Z) (G) (R²) [AKA PDC-98-07 (Z) (G)] TARA-MANATEE, INC. (DRI 11)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND (2.3 ACRES) LOCATED AT THE SOUTHEAST CORNER OF STATE ROAD 70 AND TARA BOULEVARD, FROM PDR/WP-E/ST TO PDC/WP-E/ST; PROVIDING FOR AN EFFECTIVE DATE; APPROVAL OF A REVISED GENERAL DEVELOPMENT PLAN (MAP H DATED AUGUST 28, 1998), AND CHANGES TO SECTION V4 AND V5 OF THE ZONING ORDINANCE TO BE CONSISTENT WITH THE CURRENT DEVELOPMENT ORDER. LOCATED AT THE SOUTHWEST CORNER OF SR 70 AND I-75, EXTENDING WESTWARD TO BRADEN RIVER ROAD (2.3 TOTAL ACRES TO BE REZONED) (1,124.21 TOTAL ACREAGE).

Planning Commission recommended APPROVAL with 12 stipulations.

RECORD S46-1152

GRANTING Special Approval for a project located in the WP-E Overlay;
GRANTING Special Approval for an amendment to a Special Exception Project.

and

ORDINANCE 98-34 TARA-MANATEE, INC. (DRI 11)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE TARA DEVELOPMENT OF REGIONAL IMPACT, WHICH AMENDS, REPLACES AND SUPERSEDES ORDINANCE 97-25, DRI 11, AS AMENDED; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Misty Servia, Planning Department, stated the request (as advertised) would allow for (1) relocation of 18,800 square feet of commercial from west of Tara Boulevard (Parcel III-S) to the east of Tara Boulevard (Parcel III-Y); (2) decrease open space by 0.2 acres or 0.03 percent due to the relocation; (3) amending conditions no longer applicable due to relocating commercial; (4) revision of Development Roadway Improvement Conditions; and (5) terminology formatting and clarification changes, and changes to Section V. 4 and 5.

She recommended limiting building height to a maximum of 27 feet, one-story construction, however, allowing a parapet wall to extend 8 feet above the front face of the building. Enhanced landscaping is recommended along Tara Boulevard, as well as a landscaped buffer behind the Tara entrance sign.

Ms. Servia advised an additional requirement of the Development Order will be a 5-foot-wide sidewalk along Braden River or Linger Lodge Road from State Road 70 to I-75 overpass, in lieu of widening 0.8 mile of this road an additional 4 feet. She noted both the Tampa Bay Regional Planning Council and the State Department of Community Affairs agree that these changes do not create a substantial deviation.

She entered into the record one letter in opposition to the relocation, three letters in support, a graphic regarding sign stipulation, revised final development order, and zoning ordinance. She distributed new page 9 to the zoning ordinance.

Discussion: Building height limitation of 35 feet on Parcel III-S; implications of rear of commercial building facing State Road 70; 20-foot buffer required at the rear of commercial building; heights of adjacent commercial buildings; etc.

Patricia Petruff, attorney for the applicant, reviewed the requests and the substantial deviation criteria in Chapter 380.

Diane Chadwick, planner with Lombardo, Skipper and Foley, submitted a copy of a letter forwarded to Commissioners regarding the project. She reviewed the rezone of Parcel III-Y referencing Comprehensive Plan policies and ROR Future Land Use Category relating to same. Utilizing slides as well as a handout, she reviewed the relationship of Parcels III-S and III-Y; detail of surrounding land and commercial uses; and the large wetland.

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(Continued)

Theodore Rhodes, resident of Tara, stated he was not opposed to moving commercial to III-Y, however, voiced concern of maintaining the entranceway and preserving the trees in back of the entrance wall, and traffic generated from commercial activity. He stated land for Tara entrance signage on Parcel III-Y should be deeded to the Master Association.

(Depart Ms. Brown)

Kay Wuebkenberg, resident of Tara, reiterated the same concerns as Mr. Rhodes, however added that she would prefer the commercial signage for Walgreens (proposed use) be located on the central sign for Twelve Oaks Shopping Center. She submitted two photographs depicting current signage to which homeowners object.

Dee Holstein, resident of Tara, addressed traffic concerns at the proposed cut between 55th Avenue East and the traffic signal at State Road 70, noting it will generate increased traffic through Tara.

Discussion: Staff to address concerns; stipulation regarding exterior color; traffic cut through; completion of Tara Boulevard, etc.

Ms. Servia responded to concerns regarding the entrance sign and reviewed Stipulations 5 and 12. She stated if 10 feet is not enough to protect the landscaping behind the sign, the distance could be modified. Regarding the pole sign, she referenced Stipulation 2; and regarding exterior colors, she suggested revision of Stipulation 6.

Mr. Gostkowski addressed traffic concerns for 55th Avenue East, Tara Boulevard, and State Road 70. He stated Stipulation 8 denotes if a safety problem is created, it will be addressed at this project's expense to install a right-turn lane.

(Enter Ms. Brown)

Ms. Petruff addressed residents' comments. Regarding the construction of Tara Boulevard, she referred to a handout. She noted Stipulation 11 prohibits III-Y construction traffic. She defined the 10-foot buffer area and enhanced landscaping required via Stipulation 5. She indicated deeding the entrance sign property would create problems with setbacks and other issues; however, Stipulation 12 requires an easement to the Masters Homeowners Association for operation and maintenance. She indicated consideration of an entrance onto Tara Boulevard from the commercial site would be appreciated.

Discussion: Clarification of Stipulation 8; point in time when free flow right-turn lane will be triggered and constructed by the developer; what determines a safety concern; etc.

Recess/Reconvene. All members present except Mrs. Harris.

Mr. Barnebey read the revised Stipulations 8 and 6 (Part VI. Sections 13 and 11 of the zoning Ordinance), as follows:

Part VI., Section 13

The applicant may pursue approval of a right-in right-out access from Parcel III-Y onto Tara Boulevard in compliance with all Land Development Code (LDC) requirements; however, if it creates any capacity or safety problems the applicant may be required to **close the access on Tara Boulevard or to provide an exclusive right-turn lane for northbound to eastbound movements. Any administrative determination under this Section 13 is appealable in accordance with Section 516 of the LDC or its successor section.**

Part VI., Section 11

All building facades for buildings on Parcel III-Y visible from State Road 70 or Tara Boulevard shall exhibit an aesthetically attractive appearance. Exterior building material shall consist of brick, architectural precast concrete panels, architectural masonry units, glass, stucco, ceramic tile, stone, wood or similar materials. The colors used for the exterior of the building/buildings shall be natural, muted colors which are compatible with the colors contained in the Tara entrance sign.

Painted or exposed concrete block, corrugated metal, or tilt-up precast slabs shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent of the building face is constructed from other permitted materials.

(Enter Mrs. Harris)

Discussion: Exterior building colors; Tara sign colors; will Walgreens' colors meet the intent; no bright red letters behind Tara sign; other existing commercial building colors.

Based upon the staff report, evidence presented, the action of the Planning Commission, and comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. Bruce moved to adopt Manatee County Zoning Ordinance **PDR/PDC-96-03(Z)(G)(R²) [aka PDC-98-07(Z)(G)]**, approve the General Development Plan as revised with conditions, which include revisions to Part I, Section 16, 17, 19, and 20; Part V., Section 2, 4, and 5; Part VI., Section 2, 3, 4, and 6 through 21 with the amendments to 11 and 13 (as read herein); Part VII. Sections 3 and 4, Part VIII. and IX., Section 1; and deleting Part VII., Sections 5-9; Granting Special for an amendment to a Special Exception Project, as recommended Approval for the project located in the WP-E Overlay; and Grant Special Approval by the Planning Commission. Motion was seconded by Mrs. Glass and carried 6 to 0.

RECORD S46-1153

(Note: This motion encompasses the 12 stipulations and the five requests outlined by Ms. Servia at the beginning of her presentation.)

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.0251(2)(c), Florida Administrative Code, Mr. Bruce moved to adopt the findings that the NOPC modifying the Tara-Manatee DRI as approved herein does not constitute a substantial deviation; and adopt **Manatee County Ordinance 98-34** amending Ordinance 97-25 with the changes previously made on the prior motion, as recommended by the Planning Commission. Motion was seconded by Mrs. Stein and carried 6 to 0.

RECORD S46-1154

HY KOM PARCEL - EMERSON POINT

Motion was made by Mrs. Stein, seconded by Mrs. Harris and carried 6 to 0, to adopt

R-98-247 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING ALL THINGS NECESSARY TO PROVIDE FOR THE CLOSING AND CONVEYANCE OF CERTAIN COUNTY PROPERTY TO THE TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (HY KOM PARCEL-EMERSON POINT); AND PROVIDING FOR A WAIVER OF THE ENVIRONMENTAL AUDIT.

RECORD S46-1155

WOOTEN VERSUS MANATEE COUNTY

Mrs. Harris moved to approve offer of settlement in Case CA-96-4631 Wooten versus Manatee County as recommended by County Attorney. Motion was seconded by Mrs. Stein and carried 6 to 0.

OUTERLIMITS

James Minix, Assistant County Attorney, advised a meeting is scheduled for September 24, 1998, on a Motion for Sanctions as OuterLimits (nightclub) violated the noise injunction (approved 8/25/98).

COMMISSIONERS' COMMENTS

Manatee Millennium Jubilee

Mrs. Glass stated the Manatee Millennium Jubilee committee has requested an opportunity to make a presentation at the October 6th meeting and requested a delay in the deposit requirement for the Civic Center until that time. The Board agreed.

Peridia

Mr. Bruce requested a postcard poll for Peridia residents to determine their support for continuance of speed tables in their subdivision. Disposition: Referred to Transportation.

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(Continued)

Town Hall Forum Meetings

Mrs. Stein advised she has two public forums scheduled as follows: September 26, 1998, 10:30 a.m., at the Central Library, and September 29, 1998, 7:00 p.m., same location.

In addition, she noted that she and the County Administrator will attend the Parrish Civic Association meeting on October 6, 1998, for a presentation on the sales tax referendum.

Island Chamber of Commerce

Mr. Stephens stated that he and Mr. Padgett met with the Island Chamber of Commerce which endorsed the sales tax.

PDR/PDC 98-06(Z)(G) Cherokee Creek, Inc.


Mr. Stephens requested staff prepare motions for both denial and approval, along with recommended stipulations and findings of fact, for reference when the hearing is continued.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


 Clerk
 At 5:55 p.m.
 /njh


 Chairman 1/5/99